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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

JUNE 28, 2010

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
FRANCIS BEDETTI, JR.
JAMES DITTBRENNER
RICHARD HAMEL

ALSO PRESENT: ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

NICOLE JULIAN
ZONING BOARD SECRETARY

ABSENT: PAT TORPEY

REGULAR_MEETING

MR. KANE: I'd like to call to order June 28, 2010
Town of New Windsor Zoning Board of Appeals regular
session to order.

PRELIMINARY_MEETINGS:

THOMAS_&_KATHLEEN_HANNON_(10-17)

MR. KANE: Preliminary meeting, Thomas and Kathleen Hannon. Existing 8 x 10 foot shed is 1.5 foot from the property line. A variance of 8.5 foot is required at 101 Shaker Court North in a CL-1 zone. Come on up, Tom, just state your name and address, speak loud enough for Fran to hear you. Tell us exactly what you want to do.

MR. HANNON: Yeah, Thomas Hannon, 101 Shaker Court North.

MR. KANE: Just for the record when the public meeting comes when Jim's here I'll have to recuse myself from this particular hearing as Tom is my brother-in-law. But to set him up for a public hearing is not an issue.

MR. KRIEGER: Right.

MR. KANE: Tell us what you want to do.

MR. HANNON: I need a variance for the shed due to the configuration of the property along with the location of the gate and the fence and the inground pool is the only place I could put the shed.

MR. KANE: Cut down any substantial trees or vegetation in the building of the shed?

MR. HANNON: No.

MR. KANE: Create any water hazards or runoffs?

MR. HANNON: No.

MR. KANE: Any easements running through where the shed is?

MR. HANNON: No.

MR. KANE: How long has the shed been up?

MR. HANNON: Approximately, eight years.

MR. KANE: Any complaints formally or informally about the shed?

MR. HANNON: No.

MR. KANE: Okay, is the shed similar and size and nature to other sheds that are in your neighborhood?

MR. HANNON: Yes.

MR. KANE: And looking at your property you're significantly handicapped where you can put this because you're on a corner lot therefore you have two front yards.

MR. HANNON: Correct.

MR. KANE: This is basically the safest place in your yard for this shed considering you have an inground pool right in there.

MR. HANNON: Yes.

MR. KANE: And the inground is fenced in?

MR. HANNON: Yes.

MR. KANE: Further questions from the board?

MR. BEDETTI: Where is the location of the pool? I don't see it.

MR. KANE: It's not there, see the deck comes right off

and it actually comes out from that deck straight out.

MS. JULIAN: I'll draw it for you, there's pictures on the back.

MR. BEDETTI: Okay, I see, I'm sorry.

MR. HANNON: That's okay.

MR. BEDETTI: What's on the other side? Do you have a neighbor on that other short side?

MR. KANE: Yes, he does and they're approximately 15 feet from that fence. Basically, when they put it up, they had it up, they didn't want to move it out because that would bring it closer to the fence for the inground pool and they didn't want anybody doing as we did when we were kids, jumping off of the roof into the pool. So, therefore, we kept it back a bit.

MR. BEDETTI: And you say there's been no complaints from your neighbor next door?

MR. HANNON: No.

MR. BEDETTI: I have no further questions.

MR. KANE: Any other questions?

MR. HAMEL: No.

MR. KANE: I'll accept a motion to set up Mr. Hannon for a public hearing.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Thomas and Kathleen Hannon for an existing 8 x 10 shed that's 1 1/2 feet from the property line, requires a variance of 8 1/5 feet at 101 Shaker Court North, CL-1 zone.

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MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI AYE

MR. HAMEL AYE

MR. KANE AYE

(Whereupon, Mr. Dittbrenner entered the
room.)

NEWBURGH_REALTY_(10-18)

MR. KANE: Next is Newburgh Realty request for a variance of six proposed facade signs, five of the signs will be 3 x 12 foot and one 5 foot by 8 foot. A variance for five signs is requested, .5 foot feet in height for five signs and 2.5 feet for one sign. Also a 2 foot width variance for the five signs is requested at 491 Temple Hill Road in a PI zone. Same thing, tell us your name, address, speak loud enough for Fran to hear you.

MR. KETCHAM: My name is Greg Ketcham, manager, Newburgh Realty, we're actually just looking to put the signs up cause we're going to put a tire store back in what was originally there. The signs that were there have been taken down because they were not permitted and before we go any further we're hoping to put the signs up there. It's nothing that needs scaffolding or nothing like that so trying to do it the right way the first time.

MR. HAMEL: Basically hope to be putting the same size signs?

MR. KETCHAM: New signs, nothing flashy.

MR. KANE: Nothing internally illuminated?

MR. KETCHAM: No, sir, there's one sign on there already that we did not play with the electric and we did not take off which is the Goodyear sign.

MR. KANE: And let's get gown to brass tacks, code calls for one, why five? That's a big jump.

MR. KETCHAM: Company has been in business for 35 years we celebrate this year, we're a distributor for Bridgestone, Continental, Goodyear, we're the company

itself no matter where it travels to has always been a great part of the community so--

MR. KANE: Be prepared at the public hearing just in case to see if you can adapt to that, you know, I'm not speaking for everybody that would be here but this way we can proceed forward if you have an alternative plan if we decided five is way too much, we can look at something else. Agreed?

MR. DITTBRENNER: Yes. Can I ask a question?

MR. KANE: Absolutely.

MR. DITTBRENNER: As a distributor of these products is it at all a requirement for you to advertise each of the products that you distribute is it part of your agreement, it's not a franchise type thing?

MR. KETCHAM: We have a re-tread plan already in Newburgh so basically back in 2006 Bridgestone and Bandek (phonetic) had merged together, Bandek was the rubber on top of the casings and Bridgestone took up back from 2006 everybody knows Bridgestone, Firestone for that, we kind of represent Firestone, Bridgestone and Bandek.

MR. KANE: You're not legally contractually required to have that?

MR. KETCHAM: No, sir.

MR. DITTBRENNER: Doesn't affect your business as relates to requirements?

MR. KETCHAM: It would if more people knew that the product was out there.

MR. DITTBRENNER: Legally you're not obligated to advertise and have certain standards?

MR. KETCHAM: Not at all.

MR. BEDETTI: Is there any reason why the signs couldn't be made of a size that conforms to the code besides the fact that you're going to have more signs than you're allowed by the code, the size of the signs are going to be larger than is allowed by the code?

MR. KETCHAM: Right, the signs we get from the manufacturers themselves.

MR. BEDETTI: So that's a fixed product?

MR. KETCHAM: Yes because you're not allowed to say just go out and throw a Bridgestone sign or make up a Bridgestone sign, it has to be their colors, they're kind of like Michael Biggs, although he shares the Mickey Mouse stuff, he's not actually Mickey Mouse.

MR. BEDETTI: Same size, same colors, the same type of lettering but made a little bit smaller, is that a possibility?

MR. KETCHAM: That I'm not sure. Like I said, the signs come from the vendor, something we have to purchase from the vendor themselves.

MR. KANE: Just check into it so you're ready for the public. This is in the old Gannon place?

MR. KETCHAM: Correct.

MR. KANE: Any further questions from the board?

MR. HAMEL: You've got some freestanding signs here too?

MR. KETCHAM: Not freestanding sign, it's what was by code, it's not that but I did have a permit for the

freestanding.

MR. BEDETTI: What's the distance between the building and the road? I don't think you're greater than 300 feet.

MR. KETCHAM: I would say it's probably 500 feet.

MR. BEDETTI: Temple Hill Road to the front of the building I don't think that's 300 feet.

MR. KANE: I don't think it's 300.

MR. BEDETTI: That's probably why.

MR. DITTBRENNER: That would relate to the size.

MR. KANE: So what you're going to want to do for the public hearing just give us that distance from roadway to where the front of the signs are, okay? And definitely check into any kind of options that we might have to make those signs a tad bit smaller, we're not interested in hurting businesses but we also want to try to keep our signage in a--

MR. KETCHAM: Absolutely.

MR. KANE: --in a decent way.

MR. HAMEL: I think too since you're putting up six signs and there's not much of a drawing to show where the signs go, maybe do a little rendering of where these signs are going to go. Are they all going on the front of the building?

MR. KETCHAM: I have three I'd like to put in between the bays and then the two would be on the side of the building.

MR. KANE: For the public hearing then see if you can

get maybe a little drawing with them superimposed so we can get a general idea of what it's going to look like.

MR. HAMEL: That's going to answer a lot of questions.

MR. DITTBRENNER: And just to help you the two that would be on the side of the building the distance from the face of that building to the road frontage may be greater which allows for larger size.

MR. KANE: That's why we hold a preliminary in New Windsor and they don't do it in other towns, we try to give you a chance to give all the information we need so we can make a fair decision all the way around.

MR. KETCHAM: I agree. I live in Pine Bush, my family's actually from Mountainville.

MR. HAMEL: Do we want the distance from Temple Hill Road from the front of the building and--

MR. KRIEGER: Yes, I should think you'd also want some pictures of the site.

MR. KANE: Yes, just overall pictures.

MR. KRIEGER: What it looks like from the roadway to the building and look at the size of the building, no such thing as too many pictures.

MR. BEDETTI: Does that building have two entrances?

MR. KETCHAM: It has two from Hempsted Road and one from Temple Hill.

MR. KANE: Any further questions? If not, I'll accept a motion.

MR. DITTBRENNER: Mr. Chairman, I would move that we forward the application of Newburgh Realty as it

relates to variances requested for six proposed facade signs five of which require a size variance as well as the number of signs requires a variance on the property located at 491 Temple Hill Road in a PI zone.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MR. KETCHAM: Thank you everyone.

MR. KANE: Have a good evening.

PUBLIC HEARINGS:

PLAY IT AGAIN SPORTS - STEVEN BORKO (10-15)

MR. KANE: Public hearings. Play It Again Sports request for a proposed 3'3" x 17'6" wall sign which exceeds maximum length of 10 feet. A variance of 7'6" is requested at 115 Temple Hill Road.

Mr. Steven Borko appeared before the board for this proposal.

MR. KANE: Same as the preliminary, speak loud enough, state your name and address so Fran can hear you.

MR. BORKO: I'm Steven Borko, I own the Play It Again Sports store in Vails Gate located at Five Corners requesting a variance to move our existing lit box sign to our new location across the street in the Price Chopper plaza.

MR. KANE: The sign is internally illuminated?

MR. BORKO: Correct.

MR. KANE: Non-flashing?

MR. BORKO: Correct.

MR. KANE: The distance between the sign where it's on your current building from 94 and where your proposed building is I believe is also facing 94?

MR. BORKO: Correct.

MR. KANE: Can you describe the difference in the distance from the road for us?

MR. BORKO: I don't have a measurement for its current location where it was previously given a variance for I

would estimate it at probably 50 to 100 feet. It was raised at the last meeting what the distance is from the proposed location to 94 and this is approximately 470 feet to the curb at 94 so considerably further away at its new spot than it is at its current location.

MR. KANE: And you had a variance for this sign on the old establishment?

MR. BORKO: Correct.

MR. DITTBRENNER: That's exactly the same size?

MR. BORKO: It's the same sign.

MR. BEDETTI: So you're really not increasing the number of signs in that area, just that you're moving it across the street?

MR. BORKO: Correct.

MR. KANE: He's actually going to be further away from the road.

MR. BEDETTI: And putting it on at another location?

MR. BORKO: Correct, come down from its current location.

MR. KANE: I'll open it up to the public, ask if anybody's here for this particular hearing? Seeing as they're saying no we'll close the public portion of the meeting and ask Nicole how many mailings we had.

MS. JULIAN: On the 15th day of June, 2010, I mailed out 41 addressed envelopes with no written response.

MR. KRIEGER: Just a housekeeping question. Play It Again Sports is a corporations and you're one of the officers, correct?

MR. BORKO: It a franchise, yes, I'm one of the officers of S & J Borko, Inc. d/b/a Play It Again Sports.

MR. KRIEGER: That's what I needed to know.

MR. KANE: Further questions from the board? I'll accept a motion seeing as there are none.

MR. DITTBRENNER: Mr. Chairman, I would move that we approve the application of Play It Again Sports by Steven Borko as it relates to a width variance required for a sign that will be located at 115 Temple Hill Road in a C zone. A variance of 7'6" is requested.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

DOLORES_SCHIMENTI_(10-16)

MR. KANE: Tonight's next public hearing Dolores Schimenti request for a variance for an existing shed that does not meet 10 foot setback. A variance of 6'3" required at 305 Maple Avenue in an R-4 zone. Good evening, same as the preliminary, just speak loud enough for Fran to hear you.

MRS. SCHIMENTI: Dolores Schimenti, 305 Maple Avenue, New Windsor, New York.

MR. KANE: Tell us the same thing as you did at the preliminary.

MRS. SCHIMENTI: I have an existing shed that has insufficient setback and this is a variance, a request for a variance to leave it where it is.

MR. KANE: In your memory, cutting down any trees or substantial vegetation in the building of the shed?

MRS. SCHIMENTI: No.

MR. KANE: Creating any water hazards or runoffs in the building of the shed?

MRS. SCHIMENTI: No.

MR. KANE: Any easements running through the area where the shed is?

MRS. SCHIMENTI: No.

MR. KANE: About how long has the shed been in he existence?

MRS. SCHIMENTI: Twenty-two years.

MR. KANE: And any complaints formally or informally

about the shed?

MRS. SCHIMENTI: No.

MR. KANE: Shed is similar in size and nature to other sheds in your neighborhood?

MRS. SCHIMENTI: Yes, it is.

MR. KANE: And since it's been up for 22 years, it would be a real hardship to pick this up and move it?

MRS. SCHIMENTI: Yes because it was built from a kit, it wasn't dropped.

MR. KANE: Also let the record show that we have photos showing that there's an incline that would need to be dug out causing more expense to the homeowner if it was indeed possible to move that shed. Further questions from the board? We'll open it up to the public and ask if there's anybody here that wants to speak about this particular hearing. Seeing as there's no public comments, we'll close the public portion of the meeting and bring it back to the board and ask Nicole how many mailings we had.

MS. JULIAN: On the 15th day of June, 2010, I mailed out 62 addressed envelopes with no written response.

MRS. SCHIMENTI: I received two back, one was my neighbor and I know where he live, they live in Merrick and I sent it to them in Merrick and the other one this is a foreclosure this lady is no longer there.

MR. KANE: Further questions?

MR. BEDETTI: Is the house for sale or just coming to us for a variance just to comply with the law?

MRS. SCHIMENTI: The house behind me was recently sold

and they had their property surveyed and behind my shed was the stake that was a lot closer than the previous owners stake and when I called the people who had surveyed my house in '04 he gave me the measurement and where we built the shed was not correct. We went off of the former owner's stake as opposed to measuring off of ours and it was, I mean, we just felt he was right because it wasn't just that stake, he staked the whole 120 feet every 15 feet with a rebar so we felt his survey must have been wrong so no, I'm not selling the house.

MR. BEDETTI: So you just came here to comply with the law getting the variance for your own peace of mind?

MRS. SCHIMENTI: Make it right.

MR. BEDETTI: That's fine.

MR. KANE: Any further questions? I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant a variance to Dolores Schimenti for an existing shed that does not meet the 10 foot setback and a variance of 6'3" required at 305 Maple Avenue in an R-4 zone.

MR. DITTBRENNER: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MS. JULIAN: This is your next step for the building department.

MRS. SCHIMENTI: Thank you.

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MR. KANE: Motion to adjourn?

MR. BEDETTI: So moved.

MR. DITTBRENNER: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

